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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,867	03/03/2004	Hugues Cheron	111393.01	3122
25944	7590	10/25/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,867

Applicant(s)

CHERON ET AL.

Examiner

Ismael Negron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 25, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 25, 2006 has been entered. Claim 1 has been amended. No claims has been cancelled, or added. Claim 1 is still pending in this application.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over HANEDA ET AL. (U.S. Pat. 4,996,634) in view of SUZUKI (U.S. Pat. 4,809,144).
4. HANEDA ET AL. discloses a car bumper having:
 - **an outside skin at least partially formed by a wall of plastic material (as interpreted from Claim 1), Figure 3, reference number 1;**

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- **a light unit (as recited in Claim 1), Figure 3, reference number 10;**
- **the light unit having a housing (as recited in Claim 1), Figure 3, reference number 10; and**
- **the outside skin of the bumper forming the lighting unit (as recited in Claim 1), Figure 3.**

5. HANEDA ET AL. discloses all the limitations of the claims, except:

- the light unit having a glass for enabling light emitted by the light source to be diffused (as recited in Claim 1);
- the outside skin of the bumper including an arrangement forming at least a portion of at least the glass (as recited in Claim 1); and
- the glass being assembled to the outside skin by overmolding or co-injection (as recited in Claim 1).

6. SUZUKI discloses a car headlamp having:

- **a housing (as recited in Claim 1), Figure 1, reference number 1;**
- **a lens (as recited in Claim 1), Figure 1, reference number 2;**
- **the glass being assembled to the housing in a permanent and non-removable manner (as recited in Claim 1), as evidenced by Figure 1.**

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the headlamp of SUZUKI as the light unit of the bumper of

teachings of HANEDA ET AL. to prevent the interior of the light unit to accumulate moisture, as per the teachings of SUZUKI.

8. Regarding the lens being part of the outer skin (as recited in Claim 1), the Examiner takes Official Notice that the using such glass as part of the outer skin is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the glass of JONES et al. as part of the outside skin of the bumper/lamp combination of HANEDA et al. and SUZUKI. One would have been motivated to maintain the aesthetic design profile of the outer skin and to provide a smoother surface with lower drag.

9. Regarding the glass being assembled to the outside skin by overmolding or co-injection (as recited in Claim 1), the applicant is advised that it has been held by the courts that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is disclosed, or suggested, by the Prior Art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Response to Arguments

10. Applicant's arguments filed September 25, 2006 regarding the rejection of Claim 1 under 35 U.S.C. 112, second paragraph, have been fully considered and are persuasive. However, such arguments have been rendered moot by applicant's amendments to claim 1.

11. Regarding the Examiner's rejection of Claim 1 under 35 U.S.C. 103(a) as being unpatentable over HANEDA et al. (U.S. Pat. 4,996,634) in view of SUZUKI (U.S. Pat. 4,809,144), the applicant argues that the cited combination of references fail to disclose individually, or suggest in combination, all the features of the claimed invention, specifically the glass being assembled to the outside skin by overmolding or co-injection.

12. In response to applicant's arguments that neither HANEDA et al. nor SUZUKI disclose, or even suggest, the glass being assembled to the outside skin by overmolding or co-injection, the applicant is once again advised that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966.

In this case, as detailed in previous sections 6 and 7, using the headlamp of SUZUKI as the light unit of the bumper of teachings of HANEDA ET AL. would have flown naturally to one of ordinary skill in the art at the time the invention was made, to prevent the interior of the light unit to accumulate moisture (as per the teachings of SUZUKI); the glass of such headlamp forming part of the outside skin of the bumper/lamp combination of HANEDA et al. and SUZUKI.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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